

1 Michael J. Bettinger (State Bar No. 122196)  
2 Timothy P. Walker (State Bar No. 105001)  
3 Elaine Y. Chow (State Bar No. 194063)  
4 Stephen M. Everett (State Bar No. 121619)  
5 K&L GATES LLP  
6 Four Embarcadero Center, Suite 1200  
7 San Francisco, CA 94111  
8 Phone: (415) 882-8200  
9 Fax: (415) 882-8220  
10 mike.bettinger@klgates.com  
11 timothy.walker@klgates.com  
12 elaine.chow@klgates.com  
13 stephen.everett@klgates.com

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15 Attorneys for Plaintiffs  
16 SPANSION, INC. AND SPANSION LLC  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION  
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16 SPANSION, INC. et al,  
17 Plaintiffs  
18 v.  
19 TESSERA, INC.,  
20 Claimant.  
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CASE No. 4:10-cv-04954-CW

**JOINT STIPULATION AND ORDER  
CHANGING THE DATE OF UPCOMING  
CASE MANAGEMENT CONFERENCE  
AND RELATED DATES**

JOINT STIPULATION AND [PROPOSED] ORDER CHANGING THE DATE CASE NO. 4:10-cv-04954-CW  
OF UPCOMING CASE MANAGEMENT CONFERENCE AND RELATED DATES

1       1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*  
 2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007  
 3 with respect to International Trade Commission Investigation 337-TA-605 “until the  
 4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008  
 5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the  
 6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”  
 7 and

8       2. WHEREAS, this Court issued a Related Case Order on September 11, 2008 in the  
 9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*  
 10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*  
 11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case  
 12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the  
 13 “Related Cases”); and

14       3. WHEREAS, this Court stayed all proceedings in the Related Cases, to include all  
 15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the  
 16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and  
 17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-  
 18 TA-649 and the stipulation of the parties in the Related Cases; and

19       4. WHEREAS, this Court issued a Related Case Order on November 10, 2010,  
 20 finding that the case known as *Spansion Inc. v. Tessera Inc.*, Case No. C 10-04954 MMC (the  
 21 “Spansion case”), is related to this case; and

22       5. WHEREAS, by its orders of December 7, 2010 this Court subsequently set a Case  
 23 Management Conference in the AMD case, the Spansion case and the Related Cases for June 7,  
 24 2011 at 2:00 p.m; and

25       6. WHEREAS the parties in the AMD, Spansion, and Related Cases, by their  
 26 undersigned counsel, report to the Court that the current status of the International Trade  
 27 Commission Investigation 337-TA-605, which is under appeal to the Federal Circuit in Case  
 28

1 Number 09-1460, is that the Federal Circuit issued its decision on December 21, 2010, affirming  
2 the Commission's final determination, but all appeals have not yet been exhausted. In particular,  
3 the period for any petitions to the United States Supreme Court for a *writ of certiorari* has not yet  
4 run, and at least one defendant in the AMD Case intends to seek such a petition, and;

5       7.       WHEREAS, because a final resolution of ITC's 337-TA-605 investigation,  
6 including appeals, is still pending, and therefore the parties in the AMD case, in the Spansion  
7 case, and in the Related Cases believe that it would be most efficient to further postpone the case  
8 management conference and related activity in the AMD case, the Spansion case, and the  
9 Related Cases until approximately November 8, 2011; and

10      8.       WHEREAS, the parties appearing below agree that there would be no prejudice to  
11 the parties in moving the case management conference, as that case is currently stayed;

12       THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
13 parties appearing below through their undersigned respective attorneys of record, based on the  
14 foregoing, and subject to the approval of this Court, that:

15       a.       The case management conference currently scheduled for June 7, 2011, at 2:00  
16 p.m. in the AMD case shall be rescheduled for November 8, 2011 at 2 :00 p.m., or as soon  
17 thereafter as the Court is available;

18       PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 Dated this 25th day of May, 2011.

  
Honorable Claudia Wilken  
United States District Judge

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1 Dated: May 24, 2011

2 /s/  
3 Elaine Chow  
4 K&L GATES LLP  
5 Attorneys for defendants and counter-claimants  
6 ADVANCED MICRO DEVICES, INC.,  
7 SPANSION TECHNOLOGY INC., SPANSION  
8 INC. and SPANSION LLC

9 Dated: May 24, 2011

10 /s/  
11 Gina A. Bibby  
12 FOLEY & LARDNER LLP  
13 Attorneys for defendants and counter-claimants  
14 ADVANCED SEMICONDUCTOR  
15 ENGINEERING, INC., ASE TEST LIMITED, and  
16 ASE (U.S.) INC.

17 Dated: May 24, 2011

18 /s/  
19 Michael Heafey  
20 ORRICK, HERRINGTON & SUTCLIFFE  
21 Attorneys for defendants and counter-claimants  
22 SILICONWARE PRECISION INDUSTRIES CO.,  
23 LTD. and SILICONWARE U.S.A.

24 Dated: May 24, 2011

25 /s/  
26 Joseph Lancer  
27 SEYFARTH SHAW  
28 Attorneys for defendants and counter-claimants  
CHIPMOS TECHNOLOGIES INC. and CHIPMOS  
U.S.A. INC.

16 Dated: May 24, 2011

17 /s/  
18 Russell L. Johnson  
19 SIDLEY AUSTIN LLP  
20 Attorneys for defendants and counter-claimants  
21 STMICROELECTRONICS N.V. and  
22 STMICROELECTRONICS, INC.

23 Dated: May 24, 2011

24 /s/  
25 Michael Franzinger  
26 WEIL, GOTSHAL & MANGES LLP  
27 Attorneys for defendants and counter-claimants  
28 STATS CHIPPAC INC., STATS CHIPPAC LTD  
and STATS CHIPPAC (BVI) LIMITED

23 Dated: May 24, 2011

24 /s/  
25 Trevor Stockinger  
26 IRELL & MANELLA LLP  
27 Attorneys for plaintiff and counter-defendant  
28 TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed  
2 above.

3 Dated: May 24, 2011

4 K&L GATES LLP

5 /s/  
6 Elaine Chow  
7 Attorneys for defendants and counter-claimants  
8 ADVANCED MICRO DEVICES, INC.,  
9 SPANSION TECHNOLOGY INC., SPANSION  
10 INC. and SPANSION LLC

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1 Pursuant to General Order No. 45, Section X, I hereby attest that I have on file all  
2 holographic signatures for any indicated by a "conformed" signature /s/ within the e-filed  
3 document.

4 Dated: May 24, 2011

5 K&L GATES LLP

6 /s/  
7 Elaine Chow  
8 Attorneys for defendants and counter-claimants  
9 ADVANCED MICRO DEVICES, INC.,  
SPANSION TECHNOLOGY INC., SPANSION  
INC. and SPANSION LLC

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